

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

**CHRISTOPHER M. MILLER,** )  
                                  )  
                                  )  
**Plaintiff,**               )  
                                  )  
                                  )  
                                  )  
**v.**                         )      **Case No. 1: 20-CV-160**  
                                  )  
                                  )  
                                  )  
**WARDEN GREGORY GEBAUER, et al** )  
                                  )  
**Defendants.**               )

**MEMORANDUM ORDER**

This action was received by the Clerk of Court on June 22, 2021 and was referred to United States Magistrate Judge Richard A. Lanzillo, for report and recommendation in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

On December 18, 2020, Magistrate Judge Lanzillo issued a Report and Recommendation recommending that the matter be dismissed due to Plaintiff's failure to prosecute this action. ECF No. 5. A copy of the Report and Recommendation was mailed to Plaintiff at his address of record. No Objections to the Report and Recommendation were filed.

After *de novo* review of the complaint and documents in the case, together with the report and recommendation thereto, the following order is entered:

AND NOW, this 7<sup>th</sup> day of January 2021;

IT IS ORDERED that the Clerk of Court file the complaint that is lodged at ECF No. 1-2.

IT IS FURTHER ORDERED that Plaintiff's motion for leave to proceed in forma pauperis [ECF No. 3] is granted.

AND, IT IS FURTHER ORDERED that the report and recommendation of Magistrate Judge Lanzillo, issued on December 18, 2020 [ECF No. 5] is adopted as the opinion of the court. The Clerk of Court shall mark this case as closed.

/s/ Susan Paradise Baxter  
**SUSAN PARADISE BAXTER**  
United States District Judge